

FILED  
IN CLERKS OFFICEAffidavit to Accompany  
Motion for Leave to Appeal in *Forma Pauperis* 20U.S. DISTRICT COURT  
DISTRICT OF MASS.District Court No. \_\_\_\_\_  
Appeal No. \_\_\_\_\_

v.

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Cory Hubbard**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 07/04/06

My issues on appeal are: I feel that the sentence is to harsh, and significantly over represents my criminal history. I ~~had~~ at first pleaded to ACC which is 15 years. Separate min-mands. But my PSI came back that i was a career offender and that i was not ACC. I feel that i should have got a revised plea

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source

Average monthly amount during  
the past 12 months

Amount expected next month

Employment

\$ None\$ 10,000\$ 0\$ 1,700

monthly

Self-employment

\$ None\$ 0\$ 0\$ 0Income from real property  
(such as rental income)\$ None\$ 0\$ 0\$ 0

Interest and dividends

\$ None\$ 0\$ 0\$ 0

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child support	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>None</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>None</u>	\$ <u>YES</u>	\$ <u>0</u>	\$ <u>  </u>
From Sept 05 to Jan 06 Other (specify): Welfare	\$ <u>None</u>	\$ <u>588</u> <sup>monthly</sup>	\$ <u>0</u>	\$ <u>N/A</u>
Total Monthly income:	\$ <u>None</u>	\$ <u>1,700</u> <sup>monthly</sup>	\$ <u>0</u>	\$ <u>2</u> \$ <u>1,700</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
Allegiance Hospice	Pleasant St	Jan 06 to present	\$ 1,700

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	\$ 0	\$ 0
N/A	N/A	\$ 0	\$ 0
N/A	N/A	\$ 0	\$ 0

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>N/A</u>				Make & year: <u>1997</u>	<u>Toyota</u> \$1,000
				Model: <u>CAMRY</u>	its my wife's
				Registration#: <u>CA</u>	mothers
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>N/A</u>					She only drive
Model: <u></u>					
Registration#: <u></u>					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>		

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Ariana Grace	Child	<u>6</u>
Aries Hubbard	Child	<u>2</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ 0	\$ 168
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ 0	\$ 60
Home maintenance (repairs and upkeep)	\$ 0	\$ 40
Food	\$ 0	\$ 300
Clothing	\$ 0	\$ 100
Laundry and dry-cleaning	\$ 0	\$ 40
Medical and dental expenses	\$ 0	\$ 0
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 20
Insurance (not deducted from wages or included in Mortgage payments)	\$ 0	\$ 0
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ 0	\$ 0
Installment payments	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Credit card (name): _____	\$ 0	\$ 0
Department store (name): _____	\$ 0	\$ 0

SPouse

Other:	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>DayCare</u>	\$ 0	\$ 200 monthly
Total monthly expenses:	\$ _____	\$ _____

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

Yes  No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? \$ 0

If yes, state the attorney's name, address, and telephone number:

N/A  
N/A  
N/A

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? \$ 0

If yes, state the person's name, address, and telephone number:

N/A  
N/A  
N/A

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I've Been incarcerated since July 3, 2004

13. State the address of your legal residence.

Pl Cory Hubbard

Plymouth County House of Correction

Your daytime phone number: ( )

Your age: 28

Your years of schooling: 9

Docket#  
04CR10235

Cory Hubbard

My issues of appeal are

I feel that the sentence is to harsh and significantly over represents my criminal history.

Also at first i pled guilty to Armed Career Criminal which is fifteen years min\mand But My P.S.I had turned out to be Career Offender and not ACC

As of then i should have got a Revised plea agreement and should have plead to Career Offender which is a few years less

I believe i need help and

Structure but I have four children and this has destroyed

Their life even if i got

a few years less it would make more sense

Docket# 04CR10235

Cory Hubbard